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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte EERO MATTI JUHANI KAURANEN

Appeal 2016-007694
Application 13/575,305[1]
Technology Center 2100

Before DEBRA K. STEPHENS, KARA L. SZPONDOWSKI, and MICHAEL J. ENGLE, *Administrative Patent Judges*.

ENGLE, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from a final rejection of claims 1–14 and 16–21, which are all of the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

Technology

The application relates to a user interface in which the user can perform "a single continuous stroke input that is capable of adjusting [a] parameter by a magnitude, adjusting the magnitude to a different magnitude, and adjusting the parameter by the different magnitude." Spec. 3:6–8.

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[1] Appellant states the real party in interest is Nokia Corporation. App. Br. 3.

Illustrative Claim

Claim 1 is illustrative and reproduced below with the limitations at issue emphasized:

1. An apparatus, comprising:

a processor;

memory including computer program code, the memory and the computer program code configured to, working with the processor, cause the apparatus to perform at least the following:

receiving, at least part of, an indication of a continuous stroke input;

setting an adjustment magnitude based, at least in part, on a predetermined adjustment magnitude;

determining that the continuous stroke input comprises a first adjustment input based, at least in part, on identifying that the first adjustment input is a movement input that is substantially parallel to an adjustment axis, the adjustment axis being substantially orthogonal to a magnitude adjustment axis;

adjusting a parameter based, at least in part, on the adjustment magnitude and the first adjustment input;

determining that the continuous stroke input comprises a first magnitude adjustment input based, at least in part, on identifying that the first magnitude adjustment input is a movement input that is substantially parallel to the magnitude adjustment axis;

adjusting the adjustment magnitude based, at least in part, on the first magnitude adjustment input;

determining that the continuous stroke input comprises a second adjustment input based at least in part on identifying that the second adjustment input is a movement input that is substantially parallel to the adjustment axis, the adjustment axis being substantially orthogonal to the magnitude adjustment axis; and

adjusting the parameter based, at least in part, on the adjustment magnitude and the second adjustment input.

Rejections

Claims 1–9, 11, 12, and 18–21 stand rejected under 35 U.S.C. § 102(e) as anticipated by Chaudhri et al. (US 2010/0231534 A1; Sept. 16, 2010). Final Act. 3–10.

Claims 10, 13, 14, 16, and 17 stand rejected under 35 U.S.C. § 103(a) as obvious over the combination of Chaudhri and Platzer et al. (US 2008/0165149 A1; July 10, 2008). Final Act. 11–12.[2]

ISSUES

1. Did the Examiner err in finding Chaudhri teaches or suggests "setting an adjustment magnitude" and "adjusting the adjustment magnitude," as recited in claim 1?

2. Did the Examiner err in finding Chaudhri teaches or suggests "adjusting a parameter based, at least in part, on the adjustment magnitude and the first adjustment input" and "adjusting the parameter based, at least in part, on the adjustment magnitude and the second adjustment input," as recited in claim 1?

3. Did the Examiner err in finding Chaudhri teaches or suggests "identifying that the first adjustment input is a movement input that is substantially parallel to an adjustment axis" and "identifying that the first magnitude adjustment input is a movement input that is substantially parallel to the magnitude adjustment axis," as recited in claim 1?

[2] The Examiner withdrew the rejection under 35 U.S.C. § 101. Ans. 12.

ANALYSIS

The Specification's Disclosed Embodiment

An example of a user providing a "continuous stroke input" is shown in Figure 1G, which is reproduced below.

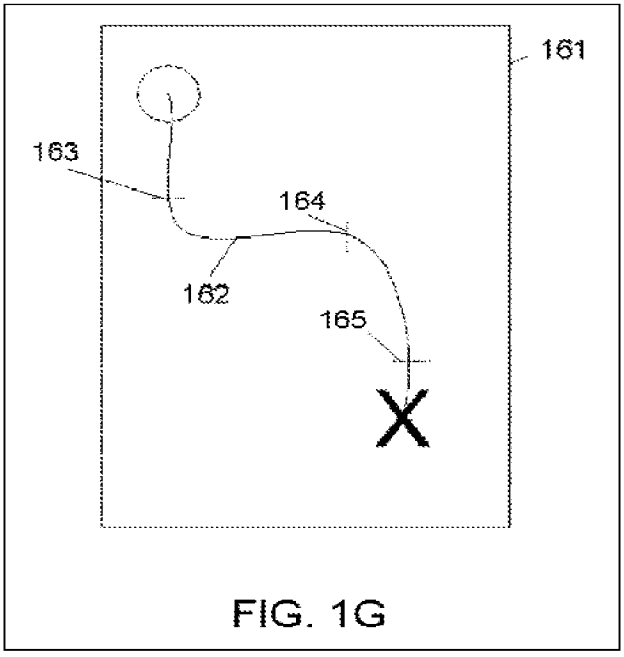

FIG. 1G

"Figure 1G illustrates a continuous stroke input 162" that starts at the 'O' in the upper left and follows a lined path to an 'X' in the lower right. Spec. 7:30–33. The lined path consists roughly of a first vertical portion, then a horizontal portion, then a second vertical portion. If a vertical portion is long enough (e.g., reaching mark 163 in the first vertical portion or mark 165 in the second vertical portion), it triggers adjustment of a "parameter," whereas if a horizontal portion is long enough (e.g., reaching mark 164), it triggers adjustment of an "adjustment magnitude." Spec. 7:33–36. Thus,

> in response to receiving continuous stroke input 162, an apparatus may adjust a parameter by an adjustment magnitude [based on the first vertical portion], adjust the adjustment magnitude [based on the horizontal portion], and adjust the parameter by the adjustment magnitude [based on the second

> vertical portion]. For example, . . . the apparatus may adjust the parameter by ten, adjust the adjustment magnitude from ten to one, and adjust the parameter by one. In such an example, the apparatus adjusts the parameter by eleven in response to receiving continuous stroke 162.

Spec. 8:1–6; *see also id.* at 3:15–20.

The Prior Art: Chaudhri

The Examiner relies on Figures 5K and 5RR of Chaudhri, both of which relate to adjusting the current location within a song or video being played. Final Act. 4–6. Figure 5K of Chaudhri is reproduced below.

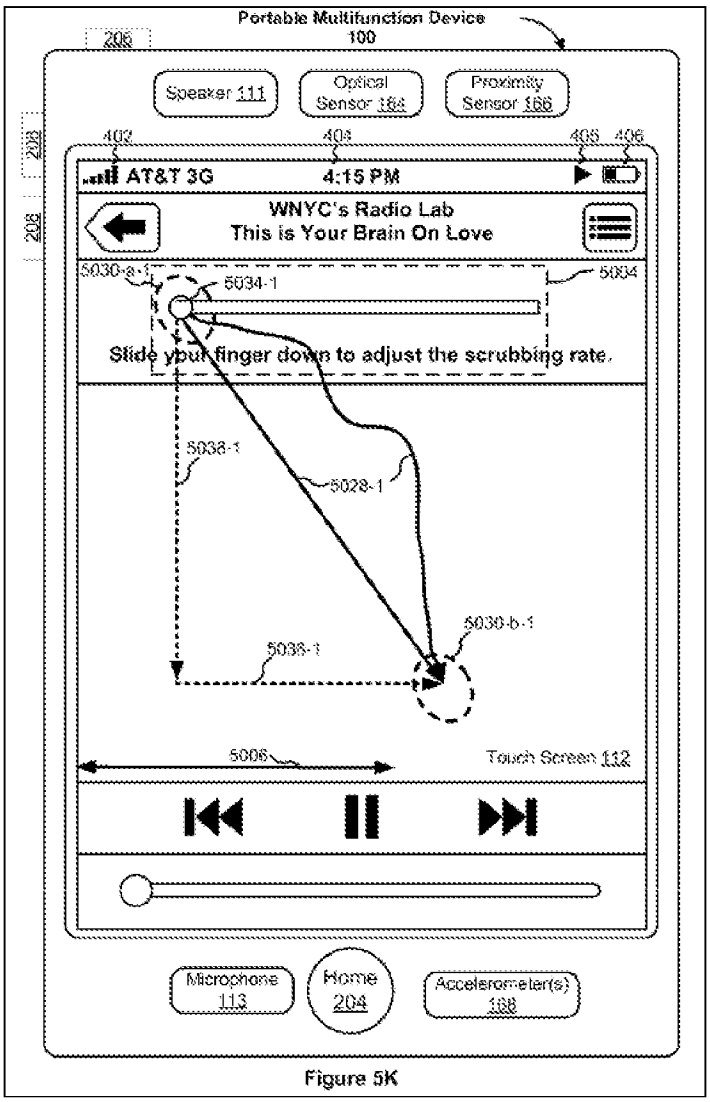

Figure 5K

Figure 5K depicts a touch screen displaying a content player, such as a music player. Chaudhri ¶¶ 69, 178, 208. A "progress icon" (label 5034-1) in a horizontal scroll bar indicates the current position within the song being played. *Id.* ¶¶ 208, 210. A user can adjust the location of the progress icon by touching the progress icon and moving his or her finger to a new location on the screen. *Id.* ¶¶ 206, 208. How far the progress icon will move depends on the net difference between the finger's start point (label 5030-a-1) and end point (label 5030-b-1). *Id.* ¶¶ 204, 208. This means that multiple different paths (e.g., labels 5028-1) that have the same start and end points will have the same net difference. The net difference between the start point and end point is broken up into a vertical component (label 5038-1) and a horizontal component (label 5036-1). *Id.* ¶ 204. The vertical component determines the "scrubbing rate." *Id.* ¶¶ 206, 208. "[T]he 'scrubbing rate' is the amount by which the current position within the content changes (as indicated by the movement of a progress icon in a scroll bar) for a given amount of movement." *Id.* ¶ 208. For example, at a normal scrubbing rate, horizontal movement of the progress icon will equal the horizontal movement of the finger, whereas for a "quarter speed scrubbing" rate, horizontal movement of the progress icon will be one quarter of the horizontal movement of the user's finger. *Id.* The figures illustrate examples of half speed scrubbing (Fig. 5M), quarter speed scrubbing (Fig. 5N), and one eighth speed scrubbing (called "fine scrubbing" in Fig. 5O).

The Examiner also relies on Figure 5RR of Chaudhri, which is reproduced below.

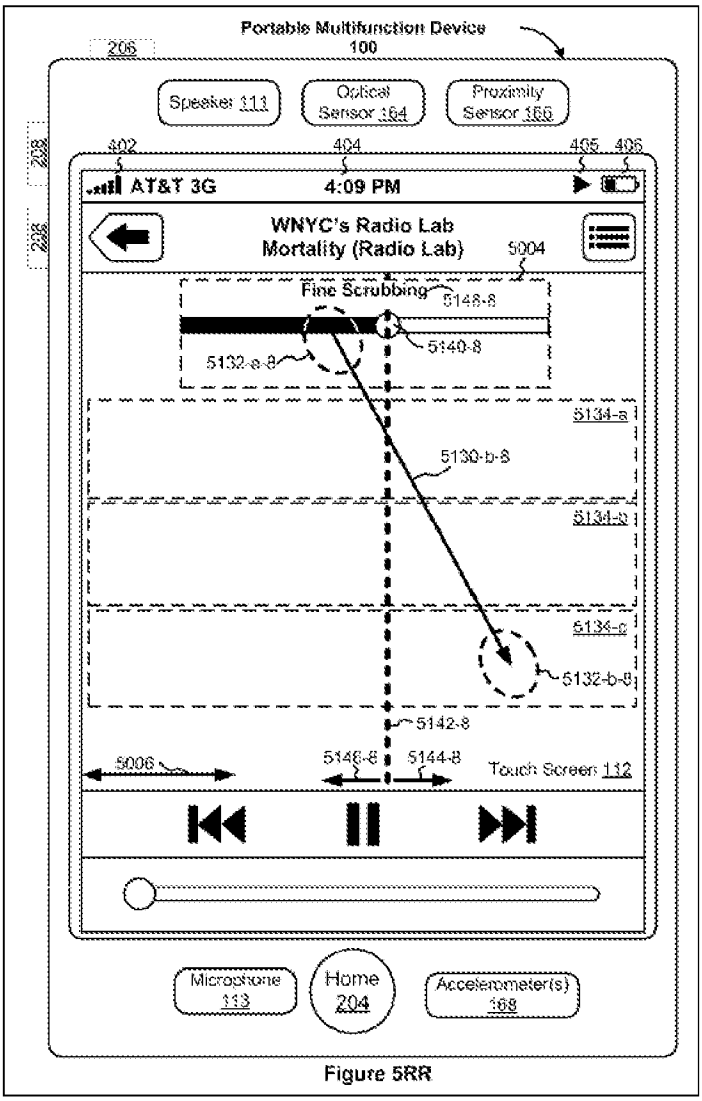

Figure 5RR

Figure 5RR, which is part of the series of Figures 5KK through 5RR, is similar to Figure 5K in depicting a touch screen displaying a music player in which the vertical component of a finger's movement determines the scrubbing rate. Chaudhri ¶ 187. Specific areas 5134-a, 5134-b, and 5134-c are associated with a half speed, quarter speed, and one eighth speed scrubbing rates, respectively. *Id.* ¶¶ 373, 383, 388. In addition, there is a boundary 5142-8 (indicated by a dotted line) extending vertically up and

down from the progress icon and "the scrubbing direction is determined by which side of a boundary . . . the contact is located on." *Id.* ¶¶ 388, 187. For example, the current position may move backward if the contact is on the left side of the boundary or forward if the contact is on the right side of the boundary. *Id.* ¶¶ 371, 388. Thus, in Figures 5KK through 5RR, the vertical component determines the scrubbing rate whereas the horizontal component determines the scrubbing direction.

Anticipation: Claims 1–9, 11, 12, and 18–21

A) Adjusting the parameter twice and both setting & adjusting the adjustment magnitude

Appellant contends "for any continuous input that is disclosed or suggested in Chaudhri, there will only ever be a single vertical component and a single horizontal component, for at least the reason that there will only ever be a single origination of the input and a single termination of the input." App. Br. 13 (emphasis omitted). Based on this argument that Chaudhri teaches only a single vertical component for each continuous stroke, Appellant contends "Chaudhri fails to disclose or suggest any manner in which this single vertical component can be utilized to both 'set an adjustment magnitude' and 'adjust the adjustment magnitude.'" *Id.* at 13–14 (emphasis omitted). Similarly, based on the argument that Chaudhri teaches only a single horizontal component for each continuous stroke, Appellant contends Chaudhri fails to teach the two "adjusting a parameter" limitations because "Chaudhri fails to disclose or suggest any manner in which this single horizontal component and this single vertical component is capable of providing for any [second] adjustment beyond the single scrollbar

adjustment disclosed in each and every example of Chaudhri." *Id.* at 14 (emphasis omitted).

However, we are not persuaded by Appellant's argument that "the disclosure of Chaudhri is entirely limited to a single determination of the horizontal component and the vertical component of an input." App. Br. 17 (emphasis omitted). To the contrary, we agree with the Examiner that Chaudhri teaches a continuous stroke dynamically updates the current position as the user's finger moves both vertically between different scrubbing rate areas and horizontally (e.g., across the boundary 5142-8 in Figure 5RR). Ans. 14 ("the user is able to move from predefined area to another and the scrubbing rate (adjustment magnitude) is changed dynamically") (citing Chaudhri ¶¶ 385–88); Final Act. 5 ("under a broadest reasonable interpretation, a user is able to in a single continuous stroke from one predefined area (e.g. 5134-a) to another (e.g. 5134-b) and then moving in a horizontal direction to adjust the position of the playback") (citing Chaudhri ¶¶ 385–88, Fig. 5RR). For example, Chaudhri discloses "*while the contact is located in the area* on the touch-sensitive surface that corresponds to the third predefined area on the display, the device plays back . . . the content at the second scrubbing rate." Chaudhri ¶ 385 (emphasis added). "In response to *continuing to detect the contact* in the fourth predefined region 5134-*c*, the device moves the current position within the content (indicated by progress icon 5140-8) to a new position within the content at a ['fine'] scrubbing rate." *Id.* ¶ 388; *see also id.* ¶ 389 (explaining scrubbing *stops* when there is "a break in the contact (e.g., detecting lift off of the contact)"). A similar disclosure of performing such operations "while continuing to detect the contact" applies to Figure 5K. *Id.* ¶¶ 205–206, 221;

see also id. at claim 1 ("while continuing to detect the contact on the touch-sensitive surface, moving the current position within the content at a scrubbing rate, wherein the scrubbing rate decreases as the second component of movement on the touch-sensitive surface increases").

Chaudhri further teaches "at least a portion of the content is presented to the user *as the user scrubs through the content*. For example, for a video, the device displays frames from the video that are representative of the current position within the content." Chaudhri ¶ 209 (emphasis added).

Thus, we agree with the Examiner that Chaudhri discloses vertical movements between areas associated with different scrubbing rates cause the scrubbing rate and hence the current position to change as the user moves their finger, and that Chaudhri discloses horizontal movements change the amount the current position of the content moves. Final Act. 5; Ans. 14–16. We therefore are not persuaded the Examiner erred in finding a single continuous stroke in Chaudhri discloses twice adjusting the parameter (i.e., the current position) and both setting and adjusting the adjustment magnitude (i.e., the scrubbing rate).

B) Identifying input substantially parallel to the claimed axes

Claim 1 recites "identifying that the first adjustment input is a movement input that is substantially parallel to an adjustment axis" and "identifying that the first magnitude adjustment input is a movement input that is substantially parallel to the magnitude adjustment axis."

Appellant contends Chaudhri fails to disclose these limitations because "Chaudhri is solely concerned with the difference between the origination . . . and the termination" of a contact and Chaudhri fails to

consider the "path traversed" between those two points. App. Br. 15–16 (emphasis omitted).

However, Appellant has not persuaded us that the "first adjustment input" or "first magnitude adjustment input" necessarily must be segments along the actual path physically travelled by the user's finger. *See* Ans. 13–14. Appellant has not explicitly defined the terms "first adjustment input" and "first magnitude adjustment input" in the Specification. Rather, Appellant broadly describes an "adjustment input" as "an input indicating a desire to perform an adjustment of a parameter." Spec. 3:13–14. Similarly, Appellant broadly describes an "adjustment magnitude input" as "an input indicating a desire to adjust the magnitude of a parameter adjustment." Spec. 3:14–15. Claim 1 recites "receiving . . . an indication of a continuous stroke input" and "determining that the continuous stroke input comprises a first adjustment input . . . [and] a first magnitude adjustment input." Claim 1 also requires that each of the first adjustment input and the first magnitude adjustment input "is a movement input," but Appellant has not explained why the broadest reasonable interpretation of "a movement input" would exclude *net movement* (i.e., the difference between the start and end points) or the vertical or horizontal component of net movement.

Under the broadest reasonable interpretation, we agree with the Examiner that Chaudhri teaches identifying a vertical input (i.e., parallel to a y-axis) and a horizontal input (i.e., parallel to an x-axis). Ans. 16 (citing Chaudhri ¶ 204); *see also* Chaudhri at Fig. 5K, claims 7 ("the first component of movement and the second component of movement are perpendicular to each other"), 10 ("the first predefined direction is a horizontal direction on the display"), 11 ("the first predefined direction is a

vertical direction on the display"). Thus, we are not persuaded the Examiner erred in finding Chaudhri discloses identifying a first adjustment input and a first magnitude adjustment input substantially parallel to orthogonal axes.

Accordingly, we sustain the Examiner's rejection of claim 1, and claims 2–9, 11, 12, and 18–21, which Appellant argues are patentable for similar reasons. *See* App. Br. 18; 37 C.F.R. § 41.37(c)(1)(iv).

Obviousness: Claims 10, 13, 14, 16, and 17

For dependent claims 10, 13, 14, 16, and 17, Appellant relies on the same arguments as claim 1 and contends "Platzer does not cure the deficiencies of Chaudhri (nor is Platzer cited for this purpose)." App. Br. 18 (emphasis omitted). As discussed above, however, we are not persuaded Chaudhri is deficient. Accordingly, we sustain the Examiner's rejection of claims 10, 13, 14, 16, and 17 for the reasons discussed above.

DECISION

For the reasons above, we affirm the Examiner's decision rejecting claims 1–14 and 16–21.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

AFFIRMED